

# 13. Conventional arms control and regulation of new weapon technologies

## Overview

*Conventional arms control by states usually falls within one of two broad approaches: limiting or prohibiting weapons considered to be inhumane or indiscriminate; or regulating and managing the procurement, production, transfers and trade of weapons, with a view to preventing their destabilizing accumulation, diversion or misuse. The first category includes the 1981 Certain Conventional Weapons (CCW) Convention, the 1997 Anti-Personnel Mine (APM) Convention and the 2008 Convention on Cluster Munitions (CCM). The second category includes the 2013 Arms Trade Treaty (ATT, see chapter 14). Other categories of weapon are not covered by a specific treaty. In some of these cases, states may consider a new treaty or—as in the case of lethal autonomous weapon systems (LAWS)—extension of the coverage of an existing regime. In cases where this approach has failed, states may consider alternative, less formal approaches—as in the case of explosive weapons in populated areas (EWIPA). In more complex cases—such as the regulation of cyberspace or activity in space—the most appropriate approach may be the subject of intense debate.*

*International concern is growing over the use of EWIPA (see section I). Little progress has been made on this issue within the CCW Convention in recent years due to the lack of consensus and a handful of states obstructing advances in most of its agenda. In 2020 the difficulties in these negotiations were aggravated by the inability to meet face-to-face due to the Covid-19 pandemic—which had an impact in all the conventional arms control discussions during the year. The lack of progress on EWIPA within the CCW regime has led some states to explore a separate process. Led by Ireland, this process aims to develop a political declaration to address the humanitarian harm arising from the use of EWIPA. Discussion was slowed by the Covid-19 pandemic, but further consultations are expected to lead to the adoption of a declaration in 2021.*

*While new uses of APMs by states are now extremely rare, use by non-state armed groups in conflicts, and especially of victim-activated improvised explosive devices (IEDs), is a growing problem (see section I). APMs were used by such groups in at least six states between mid 2019 and October 2020: Afghanistan, Colombia, India, Libya, Myanmar and Pakistan. There was also continued use of cluster munitions in Syria in 2019–20.*

*Efforts to regulate LAWS within the framework of the CCW Convention started in 2014 and, since 2017, have been led by an open-ended group of*

governmental experts (GGE). In 2020 these discussions largely centred around identifying key areas of convergence in order to inform the Sixth Review Conference of the CCW Convention, scheduled to take place in 2021 (see section II). However, as well as being hampered by pandemic-related restrictions, fundamental disagreements persisted over the outcome and mandate of the GGE, notably between Western delegations, the Non-Aligned Movement (NAM) and Russia. This raised serious questions as to what the GGE will be capable of achieving beyond the 11 guiding principles adopted in 2019.

In the context of ongoing geopolitical tensions around the security of information and communications technology (ICT), dialogue around the governance of ICT and cyber norms has taken place at multiple levels. The main state-driven efforts continued in 2020 within two parallel United Nations processes: an Open-ended Working Group (OEWG) and a GGE (see section III). However, despite changes to the digital landscape caused by the Covid-19 pandemic that have increased the need for action, the differing interests of states and normative preferences have hindered these international efforts to control the malicious use of ICT. In the absence of consensus, a legally binding agreement seems unlikely in the near future.

Despite the growing risk of a conflict in outer space, international discussions on both security and safety aspects of space activities have also remained blocked (see section IV). Destabilizing issues that arose in 2020 included controversial rendezvous and proximity operations and alleged anti-satellite tests by Russia, in addition to the adoption of unilateral policies by the United States. However, in December 2020 the UN General Assembly adopted a promising new initiative proposed by the United Kingdom regarding norms for responsible behaviour in space. It is hoped that this will lead to a return to multilateral regulatory approaches for space security.

As a complement to controlling arms, international security can be improved by states acting to build mutual confidence. This can be through relatively simple multilateral mechanisms for sharing information on arms procurement or military expenditure (see section VI). However, the existing instruments are in urgent need of revitalization as participation is low and the data provided is limited in utility. A more complex confidence-building mechanism is the 1992 Treaty on Open Skies. In May 2020 the USA announced that it would formally withdraw from the treaty, citing the failure of Russia to adhere to the agreement (see section V). Despite international calls for the USA to reconsider, the withdrawal came into effect on 22 November 2020. Although most of the remaining parties to the treaty seemed determined to continue implementing it, at the end of 2020 the longer-term future of the treaty remained uncertain.

Laura Bruun, Ian Davis, Nivedita Raju, Luke Richards,  
Pieter D. Wezeman and Siemon T. Wezeman